

UNITED STATES of AMERICA
EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

LAUREN BURGY and
LESLIE BURGY,

Plaintiffs, DEMAND FOR JURY TRIAL

-vs-

Case No.
Hon.

ANTREV RECOVERY & TOWING INC.,

Defendant.

COMPLAINT & JURY DEMAND

Introduction

1. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

Jurisdiction

2. This court has federal question jurisdiction under the Fair Debt Collection Practices Act, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331, 1337.

3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

4. The Plaintiffs to this lawsuit reside in Chesterfield, Michigan in Macomb County.
5. Antrev Recovery & Towing Inc., (“ARTI”) is a corporation doing business in Michigan.

Venue

6. The transactions and occurrences which give rise to this action occurred in Macomb County.
7. Venue is proper in the Eastern District of Michigan.

General Allegations

8. On or about August 13, 2020, Plaintiffs owned a certain 2010 Dodge Avenger VIN 1B3CC4FB9AN161800 (“the vehicle”).
9. On or about August 13, 2020, there was no secured party that had a right to repossess the vehicle.
10. On or about August 13, 2020, the Defendant had no right to possess the vehicle.

11. On or about August 13, 2020, the Defendant had no right to repossess the vehicle.
12. On or about August 13, 2020, the Defendant illegally repossessed the vehicle.
13. On or about August 13, 2020, the Defendant converted the vehicle.
14. On or about August 13, 2020, the Defendant damaged the vehicle while the vehicle was in the Defendant's possession.
15. Plaintiffs have suffered damages as a result of the acts and omissions of the Defendant.

COUNT I – Fair Debt Collection Practices Act (ARTI)

16. Plaintiffs incorporate the preceding allegations by reference.
17. At all relevant times ARTI – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
18. ARTI is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
19. ARTI's foregoing acts constitute violations of the FDCPA.
20. Plaintiffs suffered damages as a result of these violations of the FDCPA.

COUNT II – Michigan Occupational Code (ARTI)

21. Plaintiffs incorporate the preceding allegations by reference.

22. ARTI is a "collection agency" as that term is defined in the Michigan Occupational Code, M.C.L. § 339.901(b).
23. Plaintiffs are debtors as that term is defined in M.C.L. § 339.901(f).
24. ARTI's foregoing acts against Plaintiffs constitute violations of the Occupational Code.
25. Plaintiffs have suffered damages as a result of these violations of the Michigan Occupational Code.

COUNT III -- Statutory Conversion (ARTI)

26. Plaintiffs incorporate the preceding allegations by reference.
27. The acts and omissions described herein constitute a willful or intentional conversion under MCL § 600.2919a entitling Plaintiffs to recover treble the value of the money or property converted.

COUNT IV -- Common Law Conversion (ARTI)

28. Plaintiffs incorporate the preceding allegations by reference.
29. The acts and omissions described herein constitute a conversion at common law entitling Plaintiffs to recover the value of the money or property converted.

Demand for Jury Trial

30. Plaintiffs demand trial by jury in this action.

Demand For Judgment for Relief

ACCORDINGLY, Plaintiffs request that the Court:

- a. Assume jurisdiction over all claims;.*
- b. Award actual damages.*
- c. Award statutory damages.*
- d. Award punitive damages.*
- e. Award statutory costs and attorney fees.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES
CONSUMER LAW GROUP, PLC

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